

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

EMMITT GRIER JR.

PLAINTIFF

V.

ERIE COUNTY DISTRICT ATTORNEY,
COMMONWEALTH OF PENNSYLVANIA,
OFFICE OF THE PROTHONOTARY

DEFENDANT

CIVIL ACTION

NO.#05-5 ERIE

PLEADING IN RESPONSE TO COURT'S ORDER

TO: The Honorable Judge of the said court:

I Emmitt Grier Jr., am the above cited plaintiff to which I am presently responding to the order issued on the 4th. day of October 2005 by Judge Susan Paradise Baxter.

Hence, in seeking to be in compliance to said order, and based upon the motion filed by the Attorney General to dismiss the legal action against one cited defendant Edward J. Klem (DOC #23) with brief in support.

Plaintiff would aver the following set of contentions, in effort to correct and clarify his on-going intent in prosecuting his originally filed Civil Action Complaint, and maintain the appropriate defendants to be cited hereof.

¶1. In view and attempt to obtain his original requested relief. Plaintiff has no founded bases for holding Mr. Edward J. Klem, Superintendent, as a cited defendant in this case. Other than the fact that he is the custodian over the prison where plaintiff is being held.

¶2. As such, plaintiff does not oppose or object to Mr. Edward J. Klem being removed from his complaint.

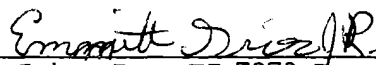
¶3. Wherefore, plaintiff wish to retain his position and prosecution of his complaint towards the Erie County District Attorney, the Commonwealth of Pennsylvania, And the Office of the Prothonotary for the Supreme Court.

¶4. With the above being stated; Plaintiff is venturing to obtain a favorable ruling from this court, which would pretty much reflect the ruling founded in the United States District Court, of the Eastern District. Where relief was granted to plaintiff on the same issue, in Bruce Godschalk v. Montgomery County District Attorney's Office, et al, No.# C.A. 00-5925. 177 F.Supp. 2d 366 (E.D.Pa. 2001).

¶5. Based upon this premise, plaintiff would proceed with his prosecution of said complaint, in asking this court for a ruling in granting his requested injunctive relief permitting him legal access to have the two (on record) rape kits to be tested.

FOR THIS PLAINTIFF SHALL PRAY....

Respectfully Submitted


Mr. Emmitt Grier Jr., EJ-7879 Pro se Plaintiff
SCI-Mahanoy
301 Morea Road
Frackville, Pa. 17932

Date: 10-19-05